

INFORMATION AND FILING INSTRUCTIONS

2003-2004 CLE FORM 1

Who must file. Lawyers who were admitted to practice law in Wisconsin in an even-numbered year, and who are on active status according to the membership records of the State Bar of Wisconsin, are required to file a CLE Form 1 evidencing compliance with the 30-hour Wisconsin mandatory continuing legal education (CLE) requirement for the reporting period beginning January 1, 2003 and ending December 31, 2004. Lawyers admitted in 2004 are not obligated to meet the 2003-2004 requirement.

Filing deadline. The deadline for filing the CLE Form 1 is December 31, 2004. The rules include a grace period to allow for mailing following that date. (See "late penalties" below.) Forms are not accepted by facsimile transmission. Filing of a report form is effective on the date that the form is received at the office of the Board of Bar Examiners during regular business hours (7:45 a.m.-4:30 p.m., Monday-Friday, except holidays).

EPR (ethics and professional responsibility) requirement. Of the 30 hours that must be reported, 3 hours must comply with the EPR requirement adopted by the Supreme Court. There is a space on the CLE Form 1 that elicits information about the manner in which the lawyer satisfied the EPR requirement; it cannot be satisfied by hours carried forward from the previous reporting period. EPR courses must be separately approved by the Board of Bar Examiners. For the lawyer to establish compliance, the records of the Board must indicate that the course sponsor or the lawyer has obtained EPR approval.

Benefits of early filing. Lawyers are encouraged to file the CLE Form 1 as soon as 30 approved hours (including 3 EPR hours) have been attended. Forms filed in late December may not allow the Board staff sufficient time to identify problems and notify lawyers of deficiencies prior to assessment of late penalties.

Amendment to the CLE Form 1. A lawyer who has filed a CLE Form 1 may subsequently amend it by making a written request to amend the CLE Form 1 as earlier filed. For example, if a lawyer completes the requirement by November 10, that is when the CLE Form 1 should be filed. If the lawyer subsequently attends additional approved hours that will serve as carryover to the next reporting period, those hours may be the subject of a written request to amend. Requests to amend are not accepted by facsimile transmission, must be signed by the lawyer, and must be received in accordance with the filing deadline. (Note that it is now too late to amend a 2001-2002 CLE Form 1.)

Late penalties. Lawyers who do not establish compliance on a timely basis will be assessed a late fee of \$50.00 in accordance with Supreme Court rule. Late fees are routinely assessed, and loss of carryover may result:

1. If a course used to satisfy the regular or the EPR requirement is attended after December 31, 2004;
2. If the CLE Form 1 is received at the Board office after the end of the grace period that follows the December 31, 2004, filing deadline;
3. If the CLE Form 1 (or a subsequent and timely amendment thereto) does not establish 30 approved hours, including 3 approved EPR hours, or the election of an appropriate exemption, or the declaration of a previously authorized waiver.

NOTE: The grace period, within which forms that otherwise comply are accepted without a late fee, ends at 4:30 p.m. on Tuesday, February 1, 2005.

Exemption from the attendance requirement. A lawyer who did not engage in the practice of law in Wisconsin at any time between January 1, 2003 and December 31, 2004, may elect an exemption on this basis by checking the appropriate box on the face of the CLE Form 1. (Note that electing the exemption from the CLE attendance requirement does not affect a lawyer's membership status in the State Bar of Wisconsin.) This exemption covers both the regular 30-hour requirement and the EPR requirement, and no CLE make-up hours will be required prior to the return to the practice of law in Wisconsin. The types of lawyers who qualify for this exemption are those lawyers who practice law in other jurisdictions and undertake no legal work of any type in Wisconsin, and those lawyers who, while residing in Wisconsin, do not engage in the practice of law. Any incidence of law practice in Wisconsin during a CLE reporting period, no matter how brief, and no matter whether paid or unpaid, compels the lawyer to comply with the full course attendance requirement.

Lawyers admitted in 2002. A lawyer admitted in 2002 may report up to 15 approved CLE hours attended between his or her date of Wisconsin bar admission and the end of 2002 when filing the CLE Form 1. List these courses in the Attendance or Teaching section on your 2003-2004 CLE Form 1. EPR hours will only be accepted if attended after January 1, 2003.

Lawyers age 70. Lawyers who attain the age of 70 years by December 31, 2004, may be eligible for emeritus membership status in the State Bar of Wisconsin. Emeritus members are under no obligation to comply with the Wisconsin mandatory CLE requirement. The State Bar of Wisconsin must authorize such a classification change for it to be effective.

Published legal writings. Lawyers who authored a legal writing that was published in 2003 or 2004 may submit it for a CLE approval determination on a CLE Form 4, which is available from the Board.

Teaching credit. Lawyers who teach approved CLE courses are entitled to double the number of hours taught when the course is reported on the CLE Form 1. Teaching an entire law school course yields one hour for each hour taught.

Guardian ad litem for a minors/adults. In April 1997 for minors; July 2004 for adults, the Supreme Court of Wisconsin adopted an education requirement for lawyers who accept appointments by a court as guardian ad litem for a minor. Additional information on the GAL education requirement, and copies of SCR Chapter 35 and Chapter 36, are available from the Board.

Carryover hours. Up to 15 hours may be carried forward from 2003 and 2004 under certain circumstances. These hours must be approved by the Board at the time the CLE Form 1 is filed. Courses must have been attended by December 31, 2004. The CLE Form 1 (or the written amendment thereto) must have been received by the Board by the end of the grace period on February 1, 2005. EPR hours cannot be carried forward from one reporting period to the next for the purpose of satisfying a subsequent EPR requirement; however, excess EPR hours may be carried forward toward the regular 30-hour requirement.

List of approved courses. The Board approves thousands of activities each year. Circulation of a list of approved courses to all lawyers is not feasible; however, as most lawyers attend only a few courses, the Board makes available a list of selected Wisconsin courses in late November to persons who request it. The Board is now located on the World Wide Web at: www.wicourts.gov. Up-to-date information on approved CLE courses may be found there. Contact the Board office if you have questions. For many reasons, lawyers may prefer to contact the Board or the course sponsor by telephone or letter to ascertain the approval status of courses.

Course approvals. If a course has not previously been submitted, the lawyer or the course sponsor may apply for approval using a CLE Form 2, which is available from the Board. Approximately 40 sponsors hold general program approval, which means that virtually all of their programming qualifies for approval on an annual basis; however, general program approval does not extend to the EPR or GAL requirements. An approval decision is usually made within three weeks; it will take longer if the request is not complete, or if the CLE Form 2 is submitted during the CLE seasonal peak (November-January). Please note that CLE Form 2s arriving at the Board office with CLE Form 1 will be separated and processed independently.

Common filing errors. Lawyers can expedite the processing of their forms by avoiding the following filing errors:

1. Reporting a course that has not been approved by the Board. (To ascertain whether a course has been approved, contact either the course sponsor or the Board to check both regular hours and EPR hours.)
2. Reporting a 2003 or 2004 course that was previously used to belatedly satisfy the 2001-2002 reporting requirement.
3. Reporting a course in advance of actual attendance.
4. Reporting a course for more hours than the number for which it was approved by the Board.
5. Misidentifying courses by sponsor, title, date (month/day/year), city and state. (While the Board staff attempts to match courses as misreported by lawyers to courses that are approved, some courses as reported are unrecognizable.)
6. The attorney forgetting to personally sign his or her CLE Form 1 (and any request to amend).

Undelivered forms. Mailing does not constitute filing. Of the thousands of forms that are sent to the Board, a few are lost in transit. Some never reach the Board because the sender forgets to affix postage to the pre-printed envelope. Some lawyers expect too much by waiting too late in the grace period to mail the form that was due on December 31, 2004.

For assistance. If you locate an error on the CLE Form 1, or if you have any questions concerning the Wisconsin requirements, telephone or write to Tammy McMillen, CLE Records Manager.